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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

| | | |
|----------------------|---|---------------------|
| In re |) | Case No. 14-61357-7 |
| |) | |
| JOHN HENRY SCHNEIDER |) | |
| |) | |
| |) | |
| Debtor. |) | |

UNITED STATES TRUSTEE'S RESPONSE TO THE FINAL APPLICATION FOR
PROFESSIONAL FEES AND COSTS

The Acting United States Trustee ("UST"), Gregory M. Garvin, through counsel, hereby submits this response to the Final Application for Professional Fees (Attorney) and Costs (Goetz, Baldwin & Geddes and Waller & Womack) [Doc. # 592] (the "Application"). The UST has reviewed the Application and hereby gives notice that he has no objection to it.

On March 5, 2018, the Applicant, Joseph Womack, filed a final fee application that was subsequently withdrawn following inquiries by the UST, and other interested parties. The current Application addresses a number of the questions and concerns raised by the UST with respect to the March application. On August 9, 2018, Mr. Womack filed the current Application. A group of creditors filed an objection to the current Application on or about August 23, 2018. A hearing on the Application is currently set for September 17, 2018.

The UST has made further inquiry with respect to the current Application. The UST specifically raised questions and concerns with respect to the statement by the Applicant that:

No further attorney fee applications are contemplated for either professionals or their firms unless objections to this fee application are filed. In such event Applicant will likely seek approval to hire outside counsel to represent applicant at any hearings scheduled in this matter and any appeals from the Court ruling on the fee application and objections to it.
(Application, p. 3 ¶ 2)

The UST questioned the propriety and merits of such a statement in light of the United States Supreme Court's decision in *Baker Botts L.L.P. v. ASARCO LLC*, 135 S. Ct. 2158 (2015). In discussing the matter with Mr. Womack, and in light of the *Baker Botts* decision, Mr. Womack represented to the UST that he would not be seeking to employ counsel, at the expense of the estate, for purposes of defending the Application.

Based upon this representation, as well as other information the Applicant discussed with the UST, which the UST understands the Applicant will provide by way of supplement or at the hearing, the UST does not object to the Application and does not intend to make an appearance at the hearing on the Application.

DATED this 29th day of August, 2018.

GREGORY M. GARVIN
ACTING UNITED STATES TRUSTEE
REGION 18



By: /s/ Brett R. Cahoon
BRETT R. CAHOON
(Attorney for the United States Trustee)